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EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2663

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/290,941

Applicant(s)

DALGIC ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 April 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Claim Rejections - 35 USC § 112*

1. Claims 5-7 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the claims, the applicant refers to a "third device". However, nowhere in the specification is the "third device" defined.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2)

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voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 12 rejected under 35 U.S.C. 102(e) as being anticipated by Kalmanek (US 6,324,279).

Regarding claim 12, Kalmanek teaches a method and apparatus an edge router / combination of edge router and telephony interface unit (fig. 1 box 120 170, col. 4 line 66 - col. 5 line 8). The edge router comprises a first communication channel, the first communication channel capable of coupling the edge router in communication with at least one H.323 device (fig. 1 connection from box 120 to 190); a second communication channel, the second channel couples the edge router with a packet-based network, the edge router having an IP address (fig. 1 box <sup>120</sup>~~100~~, col. 4 lines 50 - 57), a memory including call state information (col. 4 lines 9 - 17, col. 5 lines 45 - 53). The system also includes a processor for processing communications (fig. 1 box 170, col. 5 lines 45 - 53). Although <sup>Kalmanek</sup>White teaches two devices to perform the limitations listed in claim 12, the edge router

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of the applicant and the combination of edge router and telephony interface unit of ~~White~~ are functionally equivalent.

*Kalmanek*

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 3, 9, 11, 16, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 6,069,890), and further in view of applicant's admitted prior art.

Regarding claims 1, 16, and 20, White teaches a method and apparatus for supporting a call from a first device (fig. 4 box 100) to a second device (fig. 4 box 118). The system is responsive to receiving a first admission request on the first device (fig. 4 box 100, 102, 104, col. 8 lines 21 - 43, fig. 5 box 130), and transmits a second admission request to the second device (fig. 5 box 144, 148). After the second admission request, the second device informs the first device that the

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call may proceed (fig. 5 box 150 158). The system also stores and updates call state information on the first device (billing information, equipment usage, col. 9 line 65 - col. 10 line 20).

White is silent on the H.323 standard for video, or multimedia communications over packet-switched networks.

The applicant's admitted prior art teaches that International Telecommunications Union (ITU) has promulgated a number of different standards for telecommunications and H.323 standard uses ITU standards for encoding, transmitting, and decoding audio, video, data, and control information (col. 2 lines 6-11).

Therefore it would have been obvious to one of ordinary skill in the art, having both White and applicant's admitted prior art before him/her and with the teachings [a] as shown by White, a method for delivering voice over the internet, and [b] as shown by applicant's admitted prior art, the H.323 standard uses ITU standards for encoding, transmitting, and decoding audio, video, data, and control information, to be motivated to modify the system of White by using H.323 standardized equipment for the gateways, routers, and necessary equipment in the LEC. (Benefit) This would improve the system since it is desirable to develop a system to conform to commonly accepted standards. In

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this way, the system of White would be compatible with other user systems.

Regarding claim 2, all the limitations are met in claim 1 except receiving the status request. The status request could be viewed as the process of determining if the second device is busy. This function is performed by the combination of White and the applicant's admitted prior art (White: fig. 5 box 150).

Regarding claim 3, responsive to the receiving response, transmitting the response from the first device to the H.323 terminal. This process is obvious in the algorithm of White (White: fig. 5 box 158 160).

Regarding claim 9 and 21, the combination of White and the applicant's admitted prior art teaches IP addresses and address translation (White: fig. 7 box 202, col. 10 line 66 - col. 11 line 11).

Regarding claim 11, call state information includes one of call state, bandwidth authorized amount, bandwidth usage, ringing status, call timer, call start time, and a list of open logical channels (White: billing information, equipment usage, col. 9 line 65 - col. 10 line 20).

3. Claims 10/22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and applicant's

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admitted prior art as applied to claims 1/20 above, and further in view of Newton.

Regarding claim 22, the combination of White and applicant's admitted prior art is silent on the use of proxy servers.

Newton teaches a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems (Newton: pg. 606 - 607).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and applicant's admitted prior art and Newton before him/her and with the teachings [a] as shown by the combination of White and applicant's admitted prior art, method for delivering voice over the internet that conforms to the H.323 standard, and [b] as shown by Newton, a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems, to be motivated to modify the system of the combination of White and applicant's admitted prior art by attaching proxy servers to the edge routers. This is cost effective since multiple users can be supported on a single IP address and in addition proxy servers improve security.



Regarding claim 10, translating packets using the proxy server (Newton: allocating IP resources, pg. 606 - 607).

4. Claim 4, 8, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and applicant's admitted prior art as applied to claim 1 above, and further in view of Kalmanek (US 6,324,279).

Regarding claim 4, the combination of White and applicant's admitted prior art is silent on where the state information should be stored.

Kalmanek teaches storing the state information only in the edge routers and the end-points that are directly involved in the call (col. 1 lines 55 - 67, col. 4 lines 9 - 17, col. 7 lines 36 - 51, col. 9 line 62 - col. 10 line 5).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and applicant's admitted prior art and Kalmanek before him/her and with the teachings [a] as shown by the combination of White and applicant's admitted prior art, a method for delivering voice over the internet that conforms to the H.323 standard, and [b] as shown by Kalmanek, to store state information only in the edge routers and the end-points that are directly involved in

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the call, to be motivated to modify the system of the combination of White and applicant's admitted prior art by storing state information only in the edge routers and the end-points that are directly involved in the call. This modification can be performed in software. This would improve the system since if a gate controller should fail after a call has been established, the call can be maintained (Kalmanek: col. 9 line 62 - col. 10 line 5).

Regarding claims 17 - 19, the modified gateway is produced by moving the storage of the call state information to the edge router. The call state information is maintained at the edge router for the duration of the call.

Regarding claim 8, the gate controller acts as a simple transaction receiver and consequently does not store billing information (Kalmanek: col. 7 lines 36 - 51). Since the call is maintained even during a gate controller failure, the billing information is maintained.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek as applied to claim 12 above, and further in view of Newton.

Regarding claim 13, Kalmanek teaches NAT protocol for translating a packet received over the first communication

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channel and routing the packet onto the packet based network and translating a packet received over the second communication channel (col. 48 lines 28 - 35, (note ER = network edge device fig. 1 box 120, 121), col. 4 line 66 - col. 5 line 8).

However, Kalmanek is silent on the use of proxy servers.

Newton teaches a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems (Newton: pg. 606 - 607).

Therefore it would have been obvious to one of ordinary skill in the art, having both Kalmanek and Newton before him/her and with the teachings [a] as shown by Kalmanek, an edge router for facilitating communication between two separate networks over the internet, and [b] as shown by Newton, a proxy server may be used to allocate a few IP addresses to many users and proxy servers provide security by replacing calls to insecure systems, to be motivated to modify the system of Kalmanek by attaching proxy servers to the edge routers. This is cost effective since multiple users can be supported on a single IP address and in addition proxy servers improve security.

Regarding claim 14, all the limitations are found in claims 12 and 13.

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Regarding claim 15, in addition to the limitations listed in claim 14, it is obvious to one skilled in the art that cache is used in memory.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

*RA*  
Ronald Abelson  
Examiner  
Art Unit 2663

*RA*  
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June 12, 2002

*Melvin Marcelo*  
MELVIN MARCELO  
PRIMARY EXAMINER

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